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UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION))) MDL No. 1456) Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO:) Hon. Patti B. Saris
United States of America, ex rel. Ven-a-Care of the Florida Keys, Inc., v. Abbott Laboratories, Inc., CIVIL ACTION NO. 06-CV-11337-PBS) Magistrate Judge Marianne B. Bowler))

PROPOSED ORDER

Upon consideration of the United States' Motion to Require Abbott to Comply With the Protective Order and With the Court's September 5, 2007 and September 7, 2007 Orders, and To Set Forth A Procedure For Future Compliance, and any opposition thereto, it is hereby ORDERED that the Motion is GRANTED.

IT IS FURTHER ORDERED that Abbott comply with the Protective Order and the Court's September 5, 2007 and September 7, 2007 Orders by filing Exhibit F to the United States' Response to Third-Party TAP Pharmaceutical Products, Inc.'s Motion to Clarify Paragraph 6 of the Court's September 7, 2007 Order. Abbott must file those documents publicly, or, should Abbott maintain that those documents require filing under seal, it must file them under seal supporting the assertion subject to Fed. R. Civ. P. 11.

IT IS FURTHER ORDERED that for all future filings of documents designated by a party to be "Confidential" or "Highly Confidential" and requiring to be filed under seal, that the party proposing to file such document provide advance notice to the designating party. If the designating party seeks to maintain the confidentiality designations, it shall file a Motion for

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Leave to File the Documents Under Seal, setting forth the reasons for the designation, subject to sanction under Fed. R. Civ. P. 11.

IT IS FURTHER ORDERED that failure of the designating party to timely file such a motion should be deemed by the Court to constitute a waiver of the designation.

This 1\ day of 000, 2007.

PATTI B. SARIS

UNITED STATES DISTRICT JUDGE